

## MEMORANDUM

TO: Interested Parties

FROM: Françoise M. Carrier, Director  
Office of Zoning and Administrative Hearings

SUBJECT: Administrative Procedures for Processing Amendments of Development Plans and Schematic Development Plans

Under changes to the zoning ordinance, development and schematic development plan amendments will be processed in the following manner.

The amendment application when filed must be accompanied by a copy of the previously certified development plan if approved after August 17, 1987 or the uncertified development plan if approved before that date.

Subsequent to the amendment being filed in our office, an administrative record will be initially established by our office and transmitted to the Planning Board which is responsible for the record, including maintaining an exhibit list and identifying the parties of record. The record will be returned to our office after the Planning Board's meeting and completion of their recommendation. See, §59-D-1.74 (Ordinance 11-7, Adopted July 28, 1987).

In cases where a public hearing is not required, the Planning Board's recommendation will be sent directly to the District Council and the administrative record will be maintained in our office for public inspection exactly like the procedure for local map amendment applications. Because of the restrictions that attach to an administrative record, the amendment will be considered by the District Council rather than a committee.

A public hearing will be required if there is public opposition, or it is recommended by the Planning Board, or requested by an aggrieved party within ten days of the Planning Board's meeting. In the event that a public hearing is required under §59-D-1.74(d), the following procedures will apply to the hearings conducted by our office:

1. A prompt hearing date will be selected within a 30-day range that will be no earlier than 15 days after the receipt of the administrative record or not later than 45 days after its receipt. This provides everyone with reasonable notice, but does not delay the hearing.
2. All persons listed by the Planning Board in the administrative record as parties of record will receive actual notice of the hearing date, place and time. A form notice is enclosed, which the applicant will be required to send to all the parties after receiving a hearing date from this office. The applicant will file an affidavit of mailing at the time of the hearing. The hearing date will be added to our monthly schedule of hearings, if time allows, and sent to the civic associations that usually receive this schedule.
3. The parties are requested to submit prehearing statements which list witnesses and briefly summarize the subject matter of their testimony. A time estimate for case presentation is also requested as well as a brief statement of the issues presented. The applicant's statement must be submitted 15 days before the hearing and the opposition's statements 5 days before the hearing. If the hearing itself is scheduled with only 15 days notice, the applicant's statement is due 10 days before the hearing.
4. The administrative record must be closed at the conclusion of the hearing. Under the provisions of §59-D-1.74(d)(2) this closing is mandatory unless extended by the District Council.
5. The report and recommendation will be prepared and forwarded to the District Council within 30 days of the close of the record. All parties of record are provided a copy and are entitled to request oral argument before the District Council if requested within ten days of the report.
6. The Staff of the District Council will arrange for the report and recommendation to be made part of the District Council's agenda after the end of the 10 day period in which oral argument can be requested.

FMC:nzf

**QUICK REFERENCE GUIDE FOR FILING  
DEVELOPMENT PLAN AMENDMENT APPLICATIONS  
MONTGOMERY COUNTY, MARYLAND  
OFFICE OF ZONING & ADMINISTRATIVE HEARINGS**

(For complete requirements, please refer to Article 59-D of the Montgomery County Zoning Ordinance)

<u>Eligibility</u>	To file an application for a Development Plan Amendment, one must be either the owner of the property, or the contract purchaser.
<u>Length of Processing</u>	It is difficult to be specific about the exact length of time from initial application to final County Council determination of a request for reclassification. The minimum amount of time is approximately six months.
<u>Necessary Documents</u>	<ol style="list-style-type: none"><li>1. DPA application form</li><li>2. List of adjoining/confronting property owners and civic associations</li><li>3. Previously certified development plan if approved after August 17, 1987 or uncertified plan if approved prior to August 17, 1987. This should be the most current approved development plan, which could be either the <u>original LMA plan or the most recent approved Development Plan Amendment that shows the area to be amended.</u> §59-D-1.74(a)</li><li>4. All relevant information required by §59-D-1.3. In most cases this will include all of the following:<ol style="list-style-type: none"><li>a. Natural Resources Inventory/Forest Stand Delineation, per §59-D-1.3(a). If NRI/FSD has been approved, approval must be no more than two years old at time of filing. If it is not approved, it must bear a signed statement that it was prepared in accordance with a technical manual adopted by the Planning Board.</li><li>b. Surrounding area map, §59-D-1.3(b)</li><li>c. Land use plan containing elements identified in § 59-D-1.3(c), including locations and uses of all structures, location of land to be dedicated to public use or intended for quasi-public use, and a preliminary forest conservation plan.</li><li>d. Development program stating the sequence in which all elements are to be built and the relationship, if any, between the development program and the county's capital improvement program. § 59-D-1.3(d)</li></ol></li><li>5. See additional items required in certain zones, § 59-D-1.3(h), and different requirements in Town Sector Zone, § 59-D-1.3(f) and (g).</li></ol>
<u>Fees</u>	See web page for this office for current filing fees. Checks should be made payable to Montgomery County.
<u>Signs</u>	Within 3 days after the filing of an application, the applicant must post a sign or signs (obtained from this office) on the subject property. See web page for this office for current sign fees. Sign fee is partially refundable after a decision has been made, provided the sign is returned within a reasonable time and in reasonably good condition.
<u>Notification</u>	Within 3 days after the filing of an application, the applicant will cause a letter (obtained from this office) to be mailed to all abutting and confronting property owners and affected civic associations, informing them of a pending schematic development plan amendment request. Property owners' names and addresses can be obtained from the Tax Assessment Office, Third Floor, 51 Monroe Street, Rockville (301-279-1355). Current civic association presidents' names and addresses can be obtained from Park and Planning, 301-495-4600.
<u>Hearings</u>	In cases where a public hearing is not required, the Planning Board's recommendation will be sent to this office to be forwarded directly to the District Council. § 59-D-1.74.

**SCHEMATIC DEVELOPMENT PLAN AMENDMENT****Eligibility**

To file an application for a Development Plan Amendment, one must be either the owner of the property, or the contract purchaser.

**Length of Processing**

It is difficult to be specific about the exact length of time from initial application to final County Council determination of a request for reclassification. The minimum amount of time is approximately six months.

**Necessary Documents**

1. SDPA application form
2. List of adjoining/confronting property owners and civic associations
3. Previously certified schematic development plan if approved after August 17, 1987 or uncertified plan if approved prior to August 17, 1987. This should be the most current approved development plan, which could be either the original LMA plan or the most recent approved Development Plan Amendment that shows the area to be amended. §59-D-1.74(a)
4. All relevant information required by §59-D-1.3. In most cases this will include all of the following:
  - e. Natural Resources Inventory/Forest Stand Delineation, per §59-D-1.3(a). If NRI/FSD has been approved, approval must be no more than two years old at time of filing. If it is not approved, it must bear a signed statement that it was prepared in accordance with a technical manual adopted by the Planning Board.
  - f. Surrounding area map, 59-D-1.3(b)
  - g. Land use plan containing elements identified in § 59-D-1.3(c), including locations and uses of all structures, location of land to be dedicated to public use or intended for quasi-public use, and a preliminary forest conservation plan.
  - h. Development program stating the sequence in which all elements are to be built and relationship, if any, between development program and County capital improvement program. § 59-D-1.3(d)
5. See additional items required in certain zones, § 59-D-1.3(h), and different requirements in Town Sector Zone, § 59-D-1.3(f) and (g).
6. Proposed revisions to Declaration of Covenants that were filed in land records at time of most recent rezoning or SDPA.

**Fees**

See web page for this office for current filing fees. Checks should be made payable to Montgomery County.

**Signs**

Within 3 days after the filing of an application, the applicant must post a sign or signs (obtained from this office) on the subject property. See web page for this office for current sign fees. Sign fee is partially refundable after a decision has been made, provided the sign is returned within a reasonable time and in reasonably good condition.

**Notification**

Within 3 days after the filing of an application, the applicant will cause a letter (obtained from this office) to be mailed to all abutting and confronting property owners and affected civic associations, informing them of a pending schematic development plan amendment request. Property owners' names and addresses can be obtained from the Tax Assessment Office, Third Floor, 51 Monroe Street, Rockville (301-279-1355). Current civic association presidents' names and addresses can be obtained from Park and Planning, 301-495-4600.

**Hearings**

In cases where a public hearing is not required, the Planning Board's recommendation will be sent to this office to be forwarded directly to the District Council. § 59-D-1.74.

Application No. \_\_\_\_\_  
Filed \_\_\_\_\_

**Application for Development Plan Amendment  
Montgomery County, Maryland**

**Name of Applicant**

**Address**

**Tel. No.**

**makes application with the County Council for Montgomery County, Maryland, sitting as a District Council for that portion of the Maryland-Washington Regional District within Montgomery County, for the amendment of the Development Plan, Exhibit No. \_\_\_\_\_, in Zoning Application No. \_\_\_\_\_, approved by the County Council on \_\_\_\_\_.**

**Concise Description of the Development Plan Amendment**

**Location of Property:** \_\_\_\_\_

**Tax Account #:** \_\_\_\_\_

**Acreage:** \_\_\_\_\_

**Existing Zoning:** \_\_\_\_\_

**1. As originally approved, the Development Plan proposed:**

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**2. The requested Development Plan Amendment would make the following change(s):**

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**Pursuant to Section 59-D-1.74(a) this application for a development plan amendment includes a copy of the certified approved development plan and all relevant information required by Section 59-D-1.3 of the Zoning Ordinance.**

\_\_\_\_\_  
**Signature of Applicant**

\_\_\_\_\_  
**Signature of Attorney - (Please print next to signature)**

\_\_\_\_\_  
**Address of Attorney**

\_\_\_\_\_  
**Telephone Number**

<b><u>Filing Fee</u></b>	<b>This application must be accompanied by a check, drawn to the order of Montgomery County, Maryland, in the amount specified in the Fee Schedule of the Office of Zoning and Administrative Hearings. The fee cannot be refunded once it is paid.</b>
<b><u>Initial Copies</u></b>	<b>The Applicant shall submit four copies of the completed application, the Development Plan Amendment and the previously approved and certified Development Plan, and homeowners' documents if applicable. The Technical Staff of the Maryland-National Capital Park and Planning Commission will notify the Applicant concerning the amount of additional copies of the Development Plan Amendment needed for the processing of the application.</b>
<b><u>Posting of Notice</u></b>	<p><b>The Applicant is required to post the property covered by this application, with a sign provided by this office, within 3 days of the acceptance for filing of the application pursuant to Section 59-D-1.74. There is a fee of \$100 per sign.</b></p> <p><b>The Applicant is required to submit an affidavit of posting, on a form provided by this office, prior to the public meeting held by the Planning Board.</b></p>
<b><u>Mailing of Notice</u></b>	<b>The Applicant is required to provide written notice to abutting and confronting property owners pursuant to Section 59-D-1.74(b). The Applicant is required to submit an affidavit of mailing, on a form provided by this office, prior to the public meeting held by the Planning Board.</b>
<b><u>Certification</u></b>	<b>The Applicant, within 10 days after Council approval of a development plan amendment and prior to submittal of a subdivision or site plan, must submit to this office a reproducible original and 3 copies of the development plan amendment approved by the Council. The reproducible original and 3 copies must contain the following certification language:</b>

## **OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS**

### **CERTIFICATION**

**This is a true copy of the Development Plan Amendment in DPA No \_\_, (Exhibit No. \_\_\_\_), approved by the District Council on \_\_\_\_\_, 20\_\_, concerning original LMA No.\_\_\_\_\_.**

**\_\_\_\_\_  
Hearing Examiner**

**Dated: \_\_\_\_\_, 20\_\_.**

Application for Schematic Development Plan Amendment  
Montgomery County, Maryland

_____ Name of Applicant	_____ Address	_____ Tel. No.
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makes application with the County Council for Montgomery County, Maryland, sitting as a District Council for that portion of the Maryland-Washington Regional District within Montgomery County, for the amendment of the Schematic Development Plan, Exhibit No. \_\_\_\_\_, in Zoning Application No. \_\_\_\_\_, approved by the County Council on \_\_\_\_\_, and approved Declaration of Covenants recorded at liber \_\_\_, folio \_\_\_\_\_, in the land records of Montgomery County.

Concise Description of the Schematic Development Plan Amendment

Tax Account #: \_\_\_\_\_

Acreage: \_\_\_\_\_

1. As originally approved, the Schematic Development Plan proposed:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. The requested Schematic Development Plan Amendment would make the following change(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Pursuant to Section 59-D-1.74(a) this application for a schematic development plan amendment includes a copy of the certified approved schematic development plan and all relevant information required by Section 59-H-2.53 of the Zoning Ordinance.

\_\_\_\_\_  
Signature of Applicant

<u>Filing Fee</u>	This application must be accompanied by a check, drawn to the order of Montgomery County, Maryland, in the amount specified in the Fee Schedule of the Office of Zoning and Administrative Hearings. The fee cannot be refunded once it is paid.
<u>Initial Copies</u>	The Applicant shall submit three copies of the completed application, the Schematic Development Plan Amendment and the previously approved and certified Schematic Development Plan. The Application shall also include a copy of the existing <u>recorded</u> covenants and the proposed new covenants. By the close of the hearing record, a copy of the newly executed covenants shall be made a part of the official record. The Technical Staff of the Maryland-National Capital Park and Planning Commission will notify the Applicant concerning the amount of additional copies of the Schematic Development Plan Amendment needed for the processing of the Application.
<u>Posting of Notice</u>	<p>The Applicant is required to post the property covered by this application, with a sign provided by this office, within 3 days of the acceptance for filing of the application pursuant to Section 59-D-1.74. There is a fee of \$100 per sign.</p> <p>The Applicant is required to submit an affidavit of posting, on a form provided by this office, prior to the public meeting held by the Planning Board.</p>
<u>Mailing of Notice</u>	The Applicant is required to provide written notice to abutting and confronting property owners pursuant to Section 59-D-1.74(b). The Applicant is required to submit an affidavit of mailing, on a form provided by this office, prior to the public meeting held by the Planning Board.
<u>Certification</u>	<p>The Applicant, within 10 days after Council approval of a schematic development plan amendment and prior to submittal of a subdivision or site plan, must submit to this office a reproducible original and 3 copies of the schematic development plan amendment approved by the Council. The adopted covenants are to be recorded and a copy filed with this office. The reproducible original and 3 copies must contain the following certification language:</p> <p>OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS</p> <p><u>CERTIFICATION</u></p> <p>This is a true copy of the Schematic Development Plan Amendment No. _____ (Exhibit No. _____) approved by the District Council on _____, 20____, concerning original LMA No. _____</p> <p>_____ Hearing Examiner</p> <p>Dated: _____, 20____.</p>



<u>NAME</u>	<u>ADDRESS AND TELEPHONE NUMBER</u>	<u>LOT</u>	<u>BLOCK</u>
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LOCAL CIVIC ASSOCIATION (NAME AND ADDRESS):

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LIST OF ADJOINING AND CONFRONTING PROPERTY OWNERS:

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**Office of Zoning and Administrative Hearings  
Stella B. Werner Council Office Building  
100 Maryland Avenue, Room 200  
Rockville, Maryland 20850  
(240) 777-6660**

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\*  
\* Development Plan Amendment  
\* No. \_\_\_\_\_  
\*  
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**NOTICE OF PUBLIC HEARING**

***[IF HEARING IS REQUESTED BY OPPOSITION PARTY OR PARK AND PLANNING]***

You are advised that the above captioned matter is scheduled for public hearing to be conducted on \_\_\_\_\_, beginning at 9:30 a.m. in the Rita Davidson Memorial Hearing Room, 2nd Floor, Stella B. Werner Council Office Building, 100 Maryland Avenue, Rockville, Maryland. The hearing is scheduled under the authority of §59-D-1.74 (d)(1). The administrative record is maintained by our office and is available for inspection by the public during normal business hours.

The applicant must file an affidavit of mailing at the beginning of the hearing. At the conclusion of the hearing, the examiner must close the record unless this time is extended by the District Council. For this reason, if you plan to file any written materials, please do so prior to or during the hearing.

Dated:

cc: Office of Zoning and Administrative Hearings  
List of all persons receiving copies

DEVELOPMENT PLAN AMENDMENT NO. \_\_\_\_

**AFFIDAVIT OF MAILING**  
**(This notice must be filed with the Planning Board at the public meeting)**

I hereby certify that I mailed or caused to be mailed to all abutting and confronting property owners notice of the pending DPA. Attached hereto is a list of the individuals to whom notices were mailed on \_\_\_\_.

\_\_\_\_\_  
Applicant

Subscribed and sworn to before me, a Notary Public for Montgomery County, Maryland, this  
day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

DEVELOPMENT PLAN AMENDMENT NO. \_\_\_\_

**AFFIDAVIT OF MAILING**

**(This notice must be filed with the Office of Zoning and Administrative  
Hearings at the time of the public hearing)**

I hereby certify that I mailed or caused to be mailed to all persons listed in the administrative record as in public opposition or parties of record to the above-entitled development plan amendment an actual notice of the hearing date, place and time of the hearing as scheduled for DPA No. \_\_\_\_.

Attached hereto is a list of parties and/or individuals to whom letters and notices of public hearing were mailed on \_\_\_\_.

\_\_\_\_\_  
Applicant

Subscribed and sworn to before me, a Notary Public for Montgomery County, Maryland, this  
day of \_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

## MEMORANDUM

TO: Applicants Filing a Development Plan  
FROM: Françoise M. Carrier, Director  
SUBJECT: Certification Requirements

Section 59-D-1.64 of the Zoning Ordinance requires that the Office of Zoning and Administrative Hearings certify any DP, SDP, DPA or SDPA.

Accordingly, within 10 days after County Council approval of a development plan, and before the filing of a site plan or subdivision plan with the Planning Board, an applicant must submit a reproducible original and three copies of the approved development plan to this office. These copies must be exactly in the same form as approved by the Council.

Each copy of the approved DP, SDP, DPA, or SDPA must contain the following certification to be completed by the Hearing Examiner:

### OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS

#### CERTIFICATION

This is a true copy of the Development Plan)  
(Exhibit No. \_\_\_\_ ) approved by the District  
Council on \_\_\_\_\_, 20 \_\_, in Application No. \_\_\_\_\_.

\_\_\_\_\_  
Hearing Examiner

Dated: \_\_\_\_\_, 20\_\_.

## MEMORANDUM

TO: Applicants Filing a Development Plan Amendment

FROM: Françoise M. Carrier, Director  
Office of Zoning and Administrative Hearings

SUBJECT: Certification Requirements

Section 59-D-1.64 of the Zoning Ordinance requires that the Office of Zoning and Administrative Hearings certify any development plan amendment approved by the County Council in zoning reclassification cases.

Accordingly, within 10 days after County Council approval of any application containing a development plan amendment, and before the filing of a site plan or subdivision plan with the Planning Board, an applicant must submit a reproducible original and three copies of the approved development plan amendment to this office. These copies must be exactly in the same form as approved by the Council.

Each copy of the approved development plan amendment must contain the following certification to be completed by the Hearing Examiner:

### OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS

#### CERTIFICATION

This is a true copy of the Development Plan Amendment in DPA No. \_\_\_\_\_, (Exhibit No. \_\_\_\_\_) approved by the District Council on \_\_\_\_\_, 20\_\_\_\_, concerning original LMA No. \_\_\_\_\_.

\_\_\_\_\_  
Hearing Examiner

Dated: \_\_\_\_\_, 20\_\_\_\_.

## MEMORANDUM

TO: Applicants Filing a Schematic Development Plan

FROM: Françoise M. Carrier, Director  
Office of Zoning and Administrative Hearings

SUBJECT: Certification Requirements

Section 59-D-1.64 of the Zoning Ordinance requires that the Office of Zoning and Administrative Hearings certify any schematic development plan approved by the County Council in zoning reclassification cases.

Accordingly, within 10 days after County Council approval of any application containing a schematic development plan, and before the filing of a site plan or subdivision plan with the Planning Board, an applicant must submit a reproducible original and three copies of the approved schematic development plan to this office. These copies must be exactly in the same form as approved by the Council.

Each copy of the approved schematic development plan must contain the following certification to be completed by the Hearing Examiner:

### OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS

#### CERTIFICATION

This is a true copy of the Schematic Development Plan (Exhibit No. \_\_\_\_\_) approved by the District Council on \_\_\_\_\_, 20\_\_\_\_, in Application No. \_\_\_\_\_.

\_\_\_\_\_  
Hearing Examiner

Dated: \_\_\_\_\_, 20\_\_\_\_.